

TAM:MJB:all

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JUKEN WASHINGTON GORDON,	:	CIVIL ACTION NO. 1:CV-01-0331
Plaintiff,	:	
	:	
v.	:	(Rambo, J.)
	:	
N. GONZALEZ, <u>et al.</u> ,	:	
Defendants.	:	Filed Electronically

EXHIBIT TO DEFENDANTS' ANSWER NUNC PRO TUNC

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United States Attorney

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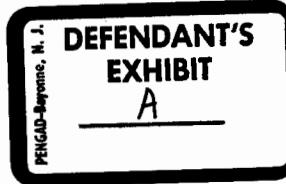
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Dated: October 25, 2004

INDEX

Plaintiff's Complaint, with hand-written
paragraph numbers added, attachments omitted Ex.A



IN THE
UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JUKEN WASHINGTON GORDON
Plaintiff,
Reg No: 05373-088
U.S.P. ALLENWOOD
POST OFFICE BOX-3000
WHITE DEER, PA. 17887.

X

X

X

Vs.,

X

CIVIL ACTION NO.

N. GONZALEZ, Lieutenant Federal
Correctional Institution Lewisburg). X
S. PUCKEY, SOS Officer, B. SHUMAN,
SOS Officer, J.A. CANDELORA, S.O.
Officer, G. SHUCK, SOS Officer, X
OFFICER MESSRS, Dr: POERIA. and
UNITED STATES OF AMERICA, the individual Defendants are sued in the
individual capacities and official capacities, Defendants. X

X

(TO BE FILED IN BY CI

FILED
SCRANT

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PER _____
DEPUTY**1: CV 01-03**COMPLAINT.

COMES NOW, Juken W. Gordon the undersigned pro-se plaintiff, an brings this Civil action prusuant to BIVENS v. SIX UNKNOWN FEDERAL NARCOTIC AGENTS, 403 U.S. 388 (1971).

(1)

Prusuant to 28 U.S.C. § 1331 as well as 28 § U.S.C. 1346 (b). Remdy of the deprivation of his liberty interest created by Federal Regulations in remaining free from wronful cruel and unusual punishment and fales imprisonment. Violation of due process and imposition of atypical and significant hardship in relation to the ordinary living prison at USP Lewisburg in September 9, 2000. The following facts a presented is support of this Bivens Action, and substantiate the violation of the undersigned's Civil and/or Constitutional right's as se bv Federal Law and the United States Constitution

In support of this Bivens action the undersigned states as follows:

(2)

That on september 9, 2000 Lieutenant Gonzalez and Officer Puckey deliberately refused to allowed plaintiff to go eat in the messhall. Lieutenant Gonzalez and Officer Puckey then let a spanish inmate in the messhall to eat. Plaintiff then asked the Officers why he plaintiff was disallowed to go eat in the messhall? Lieutenant Gonzalez and Officer Puckey stated to plaintiff F--k you Nigga. We do what we want. Lieutenant Gonzalez told Officer Puckey to take plaintiff to the Lieutenant Office, Officer Puckey told plaintiff to placed his hands on the wall, which plaintiff did, as soon as plaintiff placed his hands on the wall Officer Puckey swept plaintiff legs away from under plaintiff and plaintiff fall to the ground. Lieutenant Gonzalez and Officer Puckey stated kicking and punching plaintiff, leutenant Gonzalez and Officer Puckey also stated we are going to kill you Nigga. Leiutenant Gonzalez or Officer Puckey called for back-up Officer Shuman, Officer Shuck, Officer Candelora, Officer Messrs and other unknown officers ran into Lieutenant's Office and jump on plaintiff back. Plaintiff suffered injurys to his back and nack, due to the kicking punching and jump down on plaintiff back by Lieutenant Gonzalez, Officer Puckey, Officer Shuman, Officer Shuck, Officer Candelora, Officer Messrs, and other unknown officers.

(3)

Who also took plaintiff to the lock down unit, by holding plaintiff in the air. The officers then placed plaintiff into a cell, what is known as dry cell, without water or toilet for 4 to 5 hours, also plaintiff was placed in hand cuffed and leg iron for the same period of time in the dry cell. 45 minutes to a hour later Dr: Poeria came to see plaintiff in dry cell. Dr: Poeria asked plaintiff if he was feeling any pain or hurt. Plaintiff told Dr: Poeria that he was feeling a lots

of pain to his back and neck due to the brutal physical force of kicking punching and jumping down on plaintiff back. Dr: Poeria did not prescribed any medication for plaintiff pains, that plaintiff suffering from and still are suffering due to brutally physical force Plaintiff wrote cop-out request on 9/10/2000 the following day to the Medical Care or P.A. to received Medical attention. However was unsuccesful in his request to Medical Care.

(4) It wasnt untill september 12, 2000 when Mr: V. Factora made his round in the lock down unit plaintiff informed Mr:V. Factora about th pain plaintiff suffered to his back and neck. That was the first time plaintiff received medical care, Ibuprofen (800Mg) and Acetaminophen (325Mg) for his pain that he is suffering from.

Plaintiff suffered potential denial of or delay in access to Medical Care, when Medical Care was needed. Also Lieutenant Gonzalez Officer Puckey, Officer Shuman, Officer Shuck, Officer Candelora, Officer Messrs and other unknown Officers unnecessary use of brutal physical force when no force was needed. Also Plaintiff suffered cruel and unusual punishment as well as denial of equal protection against discrimination. When Lieutenant Gonzalez and Officer Puckey made clear distintion between plaintiff and the spanish inmate who they deliberate let in the messhall to eat. Plaintiff is a member of a racial minority.

(5) Plaintiff was subsequently tranfer from USP Lewisburg to USP Allenwood on november 8, 2000, plaintiff continued to received pain medication since plaintiff arrived at USP Allenwood.Dates are mention herein in which plaintiff received his medication, 11/9/2000, 11/20/2000, 12/5/2000. On december 19,2000 plaintiff was placed on institution callout at USP Allenwood to see Dr: Reish Orthopedic Back Speci-

alist Dr: Reish stated in our conversation that he and plaintiff had on the 19th of december 2000 that plaintiff disc is mess-up, Dr: Reish also stated that plaintiff cannot received any surgery to his back. However, Dr: Reish recommended that plaintiff received extra matterss bottom bunk and continued taken medication according to Dr: Reish. The x-ray plaintiff did at USP Lewisburg Conclusively show subsequent injurys plaintiff received from kicking punching and jump donw on plaintiff back at USP Lewisburg, according to Dr:Reish examination that he did on december 19, 2000 at USP Allenwood. Also on january 9, 2001 Dr: J. Pannell at USP Allenwood order size medium back brace for plaintiff, but unfortunately was out of stock.

(6) Dr: J. Pannell also taken plaintiff off Ibuprofen 600 and now placed plaintiff on Naproxen NA 275 Mg. Plaintiff was denied due process by lieutenant Gonzalez and Officer Puckey of basic human need such as food, also plaintiff was denied potential delay by Dr: Poeria in access to Medical Care. Plaintiff suffering from personal injurys, mental anguish, emotional distress, as well as migraneheadaches, also plaintiff in fear because of death threat by lieutenant Gonzalez and Officer Puckey.

(7) Which imposed atypical and significant changes in plaintiff routine of prison life. Plaintiff filed administrative remedy PB8, but did not received any response. See administrative remedy BP8, BP9, BP10, BP11, with their response attached hereto as exhibits (A) and (B) exhibit (C) response of Counsel General exhibit attached hereto. exhibit (D) response from Regional Director Office, response to Freedom of Information Act, Filed by plaintiff see exhibit attached hereto. Also see Medical Report's as exhibit (E) attached hereto. Finally the arbitrary and capricious action of the defendants herein were in direct violation of Plaintiff Civil and Constitutional right's.

RELIEF.

Plaintiff state herein briefly exactly what plaintiff want this Honorable Court to do for plaintiff.

1. Plaintiff want the court to award Medical relief, declaratory and injunction relief, as well as \$5,000,000.00 dollars in compensatory and punitive damages.
2. Plaintiff demand a trial by jurys by the court and also asked the court to appointed counsel to represent plaintiff in this action.
3. Award of Attorney's fee and cost of this action if an attorney's is appointed to represent plaintiff by this court.
4. Plaintiff want the court to take surveilance video tape and keep in the custody and controled of the court.
5. Any fuether relief's this Honorable Court deems just proper.

Prusuant to 28 U.S.C. § 1746, plaintiff Juken W. Gordon declares under the penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Respectfully Submitted

Jukan Gordon
Juken Washington Gordon Pro-se
Reg No: 05373- 088 Nuit 1-A
U.S.P. Allenwood
Post Office Box- 3000
White Deer, PA. 17887.

Dated: Feb 19, 2001.

CERTIFICATE OF SERVICE

I Juken Washington Gordon, Plaintiff pro-se certify under the penalty of perjury that i have served a copy of the foregiong pleadings upon the clerk of court in the Middle District of Pennsylvania at 235 north washington avenue post office box 1148 scranton, pennsylvania 18501- 1148.

Juken Washington Gordon

Juken Gord

#05373-088 Prose
U.S.P. Allenwood
P.O. Box 3000
White Deer PA. 17887.

Executed on Feb 19, 2001

UNITED STATES DISTRICT COURT
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JUKEN WASHINGTON GORDON, : CIVIL ACTION NO. 1:CV-01-0331
Plaintiff, :
: :
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CERTIFICATE OF SERVICE BY MAIL

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion as to be competent to serve papers. That on October 25, 2004, she served the attached

EXHIBIT TO DEFENDANTS' ANSWER NUNC PRO TUNC

by placing said copies in a postpaid envelope addressed to the person hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and contents in the United States Mail at Harrisburg, Pennsylvania.

Addressee:

Juken Washington Gordon
Reg No. 0573-088
USP Allenwood
P.O. Box 3000
White Deer, PA 17887

/s Anita L. Lightner
Anita L. Lightner
Paralegal Specialist